

## COUNTY OF BERNALILLO ANTI-NEPOTISM POLICY

### 1. PURPOSE.

The County of Bernalillo ("County") is committed to the highest standard of professional conduct and expects all employees to adhere to these standards. The County must take steps to ensure that relationships within the community do not create conflicts of interests and situations that might impair objective judgment. The purpose of this anti-nepotism policy is to promote a positive work environment.

### 2. DEFINITIONS.

For purposes of this policy, the following definitions shall apply:

**Nepotism** – favoritism or bias shown by those acting in the capacity of a supervisor or by persons with oversight authority to family members or someone with whom they have a close personal or financial relationship.

**Family member** – wife, husband, domestic partner, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, grandchildren, and includes in loco parentis relationships.

**In loco parentis** – relationships that involve the day-to-day responsibilities to care for, house or provide financial support to a child. A biological or legal relationship is not necessary. The continuing relationship between the parties after the child reaches the age of majority constitutes an *in loco parentis* relationship.

**Close personal relationship** – relationship between persons who reside in the same household or have a romantic relationship or a relationship that has the effect of influencing judgment or employment actions of either party to the relationship.

**Financial Relationship** – any financial relationship that could influence preferential treatment in the workplace.

**Supervisory or oversight authority** – when one employee has direct influence on decisions concerning selection and hiring, which includes recommendations for hiring, assignment or review of work, providing input on employee performance evaluations, transfer, promotion, compensation, grievance review, or other terms and conditions of employment over another employee. This includes supervisors and lead workers.

### 3. POLICY.

The practice of nepotism is prohibited. All employees shall avoid being in a position where they are subject to the supervisory or oversight authority by a family member or a person with whom they have a close personal or financial relationship.

Provided no nepotism exists, nothing in this Policy is intended to prevent family members or individuals in close personal or financial relationships from being employed by the County.

Any person elected or appointed to public office shall not give employment as clerk, deputy, assistant, or other class of departmental employee to any near relative or to an unrelated individual sharing a spousal relationship with an employee.

The County will not authorize an appointment where employment would result in family members working in the same chain of command. Specific to the supervisory or oversight authority relationship the following guidelines will govern these situations:

- Family members or persons sharing a close personal or financial relationship shall not work in the same chain of command (examples include but are not limited to: (1) a family member of the County Manager may not work in any County department that reports to the County Manager. However, a family member may be permitted to work in the office of an elected official; (2) a family member of a Deputy Treasurer may not work in the Treasurer's Office.)
- No employee will be permitted to participate in any supervisor or oversight authority decision that involves a family member.

### 4. CONTINUOUS EMPLOYMENT EXCEPTION.

When an employee has held a position within an elected office or department of County government for one year prior to a family member being elected to a county office or appointed by the County Commission to a position within the employee's chain of command, this Policy shall not apply with respect to continued employment within that position.

However, from the date that the family member takes elected office or the appointed position, the provisions of this Policy regarding supervisory or oversight authority decisions shall be applicable.

### 5. WAIVER.

An individual who applies for employment or seeks a promotion that could result in a violation of this Policy may submit a request a waiver to the County Manager. The

County Manager shall evaluate the requests and make a recommendation for approval or denial to the Board of County Commissioners. When the County Manager recommends approval, the recommendation shall include an outline of the steps that will be implemented to insure that all supervisory or oversight authority issues are addressed. When evaluating these requests the County Manager may consider work location, shift, the department in which the individual would work, the number of available qualified applicants, and whether normal recruitment and selection procedures have been followed, to ensure that all applicants have had an equal opportunity to apply for the position.

With respect to new hires, the County Manager shall also consider factors related to current staffing levels and vacancies for the position, whether other governmental entities within the State of New Mexico are experiencing similar difficulties in hiring qualified applicants, and whether reasonable measures can be taken to alleviate problems or the appearance of impropriety.

County Staff shall also provide the County Manager with a report outlining and explaining the need for the waiver and the measures that will be taken to address issues related to supervision.

In the event a waiver is granted with respect to hiring or promotion the provisions of this Policy regarding supervisory or oversight authority shall be applicable.

In the event a waiver is granted the employee and the family members shall be required to execute a document that provides that the parties acknowledge and understand that this Policy prohibits a family member from having any supervisory or oversight authority over another family member.

## 6. REPORTING.

Any problems arising from such a situation should be referred to the Human Resources Department Director or the County Manager for resolution.